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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,473	02/06/2001	Ervin F. Johnston		8971
7590 ERVIN F. JOHNSTON 3829 SNEAD DRIVE SIERRA VISTA, AZ 85650			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 01/05/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/777,473

Applicant(s)

JOHNSTON, ERVIN F.

Examiner

STEFANOS KARMIS

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 84-91, 100-107 and 116-131 is/are pending in the application.
- 4a) Of the above claim(s) 116-131 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 84-90 and 100-106 is/are rejected.
- 7) ☒ Claim(s) 91 and 107 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in reply to the amendment filed 22 September 2009.

Status of Claims

2. Claims 84-87, 89, 100-103, and 105 are currently amended. Claims 84-91, 100-107, and 116-131 are withdrawn. Claims 84-91, 100-107, and 116-131 are currently pending.

Response to Arguments

3. Applicant's arguments regarding the rejection of claims 84-91, and 100-107 under Chiasson in view of Kitchen in view of Simpson have been fully considered but are not persuasive.

Applicant argues that the prior art fails to teach providing the debtor with open fields for inserting category items and then sorting the files according to the categories. The Examiner respectfully disagrees. When read together, the prior art teaches such a limitation. As noted previously, Chiasson creating bill categories and organizing bills based on bill categories (page 11, paragraphs 106-109). Kitchen teaches enabling a simultaneous display of said plurality of unsorted transactions on the debtor's computer screen with each unsorted transaction of at least some of the unsorted transactions having fields filled with transaction data which are pertinent to the unsorted transaction (Fig. 8 and Fig 9C; column 12, lines 55-65 and column 14, lines 33-45). Kitchen specifically teaches that the categories include categories such as paid/unpaid as well as payee categories such as utilities and credit card (Fig. 8 and Fig 9C and Fig. 14; column 12, lines 55 thru column 13, line 25 and column 14, lines 33-45). Kitchen does teach open fields for the

data and sorting based on the date, but fails to teach a category with a field next to each bill for stating the category type of utility, credit card, etc (Fig. 8 and Fig 9C and Fig. 14; column 12, lines 55 thru column 13, line 25 and column 14, lines 33-45). Simpson teaches a bill summary page in which there is an open field next to each bill for remarks (Fig. 8). Specifically, Simpson teaches that the remarks can be used to place information such as merchant information (column 8, lines 33-57). For example, one may put Utility or Credit Card in the remarks, as it is apparent from the Payee, that some are utilities, credit cards, auto related, etc. For at least these reasons, it would be obvious to one of ordinary skill in the art to modify the category and sorting teachings of Chiasson and Kitchen to include the teachings of Simpson for placing the category and category items next to the list of bills, rather than on a previous screen because it provides for easy management of bills. Also, under KSR, design incentives would have prompted putting sorting categories next to the bills, rather than on a previous screen, and implementation any differences between the claimed invention and the prior art and the implementation would have been predictable.

Further, Simpson does teach a simultaneous display of a category of paid and unpaid in which the user can select which to enter (Fig. 8). The Examiner notes that the category items could be interpreted to be predefined by the system and open could be interpreted that the field is open for either option, paid or unpaid. Kitchen also teaches a simultaneous display of a status field in which open fields can get a status of paid or unpaid as well as an indication of authorization (Fig. 9C).

Therefore, the prior art teaches providing the debtor with open fields for inserting category items and then sorting the files according to the categories.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reference are analogous. Chiasson is directed towards user friendly e-commerce transactions in which a user can create bill categories and allow for organization based on the bill categories (page 11, paragraphs 0104-0114). This provides the user with flexibility and functionality when processing bills (paragraph 0009). Similarly, Kitchen teaches enabling a simultaneous display of said plurality of unsorted transactions on the debtor's computer screen with each unsorted transaction of at least some of the unsorted transactions having fields filled with transaction data which are pertinent to the unsorted transaction (Fig. 8 and Fig 9C; column 12, lines 55-65 and column 14, lines 33-45). Kitchen specifically teaches that the categories include categories such as paid/unpaid as well as payee categories such as utilities and credit card (Fig. 8 and Fig 9C and Fig. 14; column 12, lines 55 thru column 13, line 25 and column 14, lines 33-45). This allows with flexibility for organizing and paying bills (column 2, lines 45-67). Simpson teaches a method for managing bills online by sorting them into a plurality of different categories (column 2, lines 18-30). Simpson further teaches providing an online bill summary report to the user which the user can view and use to manage bills (column 8, lines 33-57). Therefore, Chiasson, Kitchen, and Simpson are analogous art. Further there is sufficient

motivation to combine the teachings of Chiasson, Kitchen and Simpson, because it provides for flexibility and organization when managing bills. Therefore, this argument is not persuasive.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 84-90 and 100-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiasson U.S. Publication 2002/0002513 in view of Kitchen et al. (hereinafter Kitchen) U.S. Patent 6,289,322 in further view of Simpson et al. (hereinafter Simpson) U.S. 6,934,691.

Regarding claims 84 and 100, Chiasson teaches a method for an internet hosted bill paying system: Chiasson teaches upon one or more commands by the debtor, enabling the debtor to create bill categories and organizing bills based on bill categories (page 11, paragraphs 106-109). Chiasson further teaches displaying the bills and viewing the bills in the bill category on the debtor's computer screen (page 12, paragraph 0111 and paragraph 0114). Chiasson fails to show a debtor's computer and a debtor's computer screen that is responsive to the debtor's computer, at least one creditor that has a creditor's computer as well as the graphical representation.

Kitchen teaches enabling a simultaneous display of said plurality of unsorted transactions on the debtor's computer screen with each unsorted transaction of at least some of the unsorted

transactions having fields filled with transaction data which are pertinent to the unsorted transaction (Fig. 8 and Fig 9C; column 12, lines 55-65 and column 14, lines 33-45). Kitchen teaches electronic bill processing between a debtor's computer and a creditor computer (Figures 1 and 2). Kitchen also teaches the a graphical representation with buttons for adding categories and viewing or sorting by the categories (Figure 8, 14 and 9A and column 13, line 1 thru 25 and column 13, line 48 thru column 14, line 15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the category teachings of Chiasson to include the graphical representation and computer network teachings of Kitchen because it allows for the visual representation and organization of bills in a computer network.

Therefore, Chiasson in view of Kitchen teaches assigning bills to designated categories, such as utilities, school, tennis, credit cards, etc. Chiasson in view of Kitchen fails to teach a simultaneous display of the unsorted bills, wherein each of the unsorted transactions have open fields for insertion of the category. Simpson teaches a system and method for managing bills in which an online bill summary report shows a list of bills and related transaction information (column 8, lines 33-57 and Figure 8). Simpson further teaches an open field (262) remarks box that contains miscellaneous information regarding the merchant and/or the current past bills. Simpson fails to teach that the bills are sorted based on this criteria.

However, it would have been obvious to combine the teachings of Chiasson in view of Kitchen for sorting bills based on categories, in which the categories contain information regarding the merchant, to include the remarks teachings of Simpson, which include remarks about the merchant because it allows the viewers to get a more detailed bill summary and to assign the appropriate categories to bills and view the bills based on a desired category. Further,

the Kitchen bill summary in Fig 9C is very similar to the Simpson summary in Figure 8 and it would be obvious to add the last columns of remarks to Kitchen and perform sorting based on category directly from the bill summary page.

Claims 85 and 101, Chiasson teaches further comprising the step of: enabling a display of said plurality of category items as category item buttons on the debtor's computer screen so that the debtor can activate selected category item buttons for displaying said selected category items in said selected open fields on the debtor's computer screen (page 11, paragraph 109). Kitchen also teaches enabling a display of said plurality of category items as category item buttons on the debtor's computer screen so that the debtor can activate selected category item buttons for displaying said selected category items in said selected open fields on the debtor's computer screen (Figure 8 and 9A and column 13, line 1 thru 25 and column 13, line 48 thru column 14, line 15).

Claims 86 and 102, Chiasson fails to teach the graphical representation of rows on the computer screen. Kitchen teaches the steps of enabling a display of rows of line items on the debtor's computer screen with each line item representing a transaction and having transaction data columns and a category item column wherein the transaction column has fields filled with said transaction data and said the category item column has an open field; upon the debtor activating a selected line item and then activating a selected category item button, enabling a

display of the open field for the selected line item filled with the category item associated with the selected category item button (Figure 9C).

Regarding claims 87-89 and 103-105, Chiasson in view of Kitchen teaches the use of categories for labeling bills and viewing bills.

Claims 90, and 106, Chiasson teaches that bills are for products or services purchases. Chiasson fails to show the graphical representation. Kitchen teaches displaying at least some of the sorted transactions on the debtor's computer screen which includes at least product or services purchased, amount paid for the product or services and date paid transaction data (Figure 9B and Figure 11 and Figure 13).

Allowable Subject Matter

7. Claims 91 and 107 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
/Stefanos Karmis/
Primary Examiner, Art Unit 3693
6 January 2010